



Attorney Docket No. 0624-4129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of Letters Patent 5,599,804

Applicant(s): Lawrence C. Mudge

Serial No.: 10/849,509

Filed: May 19, 2004

Art Unit: 1616

Examiner: Alton M. Pryor

For: FUNGICIDAL COMPOSITIONS FOR THE ENHANCEMENT OF TURF
QUALITY

Mail Stop
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

**RESPONSE AND SUBMISSION OF
SECOND SUPPLEMENTAL DECLARATION**

This communication responds to the Office Action dated August 26, 2006. This response is timely filed.

In the office action the prior rejection of claims under 35 U.S.C. § 103 was withdrawn.

The only remaining issue raised in the office action was the sufficiency of the reissue declarations in view of the amendments to the claims that have been made subsequent to the filing of the reissue declarations. As a result, the reissue declaration and all of the remaining claims 1-8, 10-17, 20-35, 37 and 38 were "objected to until receipt of a new oath/declaration."

Applicant hereby submits a "Second Supplemental Declaration By Assignee For

Reissue Patent Application.” This Declaration incorporates by reference the two prior reissue declarations filed herein. This “Second Supplemental Declaration” specifically acknowledges the claims as presently amended, existing as of its execution date of September 22, 2006:

- III. I have reviewed and understand the contents of the ‘804 patent, subject reissue application, including the claims as amended and now pending and the specification, including any amendment thereto.
- IV. I believe every error in the patent which is corrected in the present reissue application and which is not covered by the prior Declaration and prior Supplemental Declaration by assignee submitted in this application, arose without any deceptive intention on the part of the applicant.

In view of the presently submitted “Second Supplemental Declaration...,” it is believed the objections of the claims and prior declarations have been overcome and should be withdrawn. It is believed the present application and the pending claims 1-8, 10-17, 20-35, 37 and 38 are in condition for allowance and such early favorable action is solicited.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: November 21, 2006

By: 

Arnold I. Rady
Registration No. 26,601
(212) 415-8552 Telephone

CORRESPONDENCE ADDRESS:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8552 Direct Telephone 758-4800
(212) 415-8701 Facsimile